

**BOARD OF NURSING
MINUTES
June 10, 2004**

PRESENT: June Bahr, Jacqueline Johnsrud (left at 2:00pm), Marilyn Kaufmann, Marie Kohlbeck, Linda Sanner, Kathleen Sullivan, Blaine Ropson (for portions of the meeting)

EXCUSED: None

STAFF PRESENT: Kimberly Nania, Director of Health Services Professions; Colleen Baird, Legal Counsel; Gina York, Bureau Assistant, DOE and other staff

GUESTS: Susan Dean-Barr, UW-Milwaukee; Judith Warmuth, WHA;
Gina Dennik-Champion, WNA

CALL TO ORDER

Jacqueline Johnsrud called the meeting to order at 10:00am. There was a quorum of 6 members.

APPROVAL OF AGENDA

Additions to the Agenda

- Open Session : Add Proposed Stipulation regarding Diane Oles, LPN
- Open Session: Add three info items: Correspondence by Excelsior College, Nightingale, and a copy of NEWS.
- Open Session: Add Application Review for Debra Gray regarding Canada CNAT Exam
- Closed Session: Add deliberation of proposed stipulation regarding Diane Oles, LPN

MOTION: Linda Sanner moved, seconded by Marie Kohlbeck, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF APRIL 22, 2004

Amendments to the Minutes

None.

MOTION: Linda Sanner moved, seconded by June Bahr to approve the April 22, 2004 minutes as written. Motion carried unanimously.

DISCUSSION OF BOARD MEETING AGENDAS AND MEETING DURATION

The Board had a discussion regarding the length of the meeting agenda and to determine an amount of time for the duration of Board meetings.

MOTION: Marilyn Kaufmann moved and seconded by June Bahr, to adjourn all Board meetings at 4:00 p.m. beginning with today's meeting. Motion carried unanimously.

ADMINISTRATIVE REPORT ROLL OUT POLICIES AND PROCEDURES

Sec Strong Hill shared with the Board the upcoming budget and expected cuts for the Department. There is a request to cut 11 more positions. She asked Boards to assist in supporting the Department to recommend no future cuts and what the impact would be on services to the public. Secretary Strong Hill introduced Diane Miller, IT Director who reviewed the updated DRL Website.

Sandra Rowe, Deputy Secretary presented policies for DOE and informed the Board that DOE staff have been directed to clear up older cases. Deputy Rowe shared specifics on new policies and procedures for prioritizing of cases that should assist both the Board and DOE staff. There was a good discussion with the Board on ways to be more efficient. Michael Berndt shared the status of all cases from December 1998 through 2001. The Department is currently looking at alternatives for new programs that will generate the summary report, case listings, etc. and the programs would communicate with each other without additional manual work by staff.

REPORT FROM DOE REGARDING HOW THEY WILL HANDLE MONITORING ORDERS INVOLVING

David O'Connell, Monitoring Supervisor, reviewed with the Board motions that were made at the last meeting and indicated these will be implemented to assist in the handling of monitoring orders. These motions were regarding Voluntary Surrender of License for Those Under a Stayed Suspension and Not Working as a Nurse; Voluntary Surrender of License for Non-compliance with Work Report Orders; One Year of Non-compliance with Refresher Course Orders, and Revised Stipulations for Automatic Revocation verses Suspension, Length of time to Complete Order. The motions from the April 22, 2004 meeting were read into record at this meeting. They are as follows:

MOTION: Linda Sanner moved, seconded by June Bahr that any respondent who is under a stayed suspension and does not work as a nurse for any consecutive twelve-month period will be asked to voluntarily surrender their license or face revocation. Motion carried unanimously.

MOTION: Linda Sanner moved, seconded by Kathleen Sullivan that any nurse under a Board order requiring work reports and who does not work for any consecutive twelve-month period will be asked to voluntarily surrender their license or face revocation. Motion carried unanimously.

MOTION: June Bahr moved, seconded by Marilyn Kaufmann that any respondent with refresher course orders must complete the course within one year. Motion carried unanimously.

MOTION: Linda Sanner moved, seconded by June Bahr to place a limitation that the length of time to complete a Board order would be a maximum of 10 years or face revocation. All opposed. Motion failed.

A list was provided to the Board that indicated the total number of monitoring cases the Board of Nursing currently has in the Department. The Board also had a discussion regarding the new method of screening and at this time, it is working well.

PRESENTATION OF PROPOSED STIPULATIONS

Noted.

SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND ADMINISTRATIVE RULES AND PRESS RELEASES

The summary report was reviewed by the Board at today's meeting. A question came up regarding the status of the Regulatory Digest. Kimberly Nania shared that the Regulatory Digest will be posted on the DRL Website. A concern was expressed by the Board that by not having a regulatory digest published, individuals that are under board orders etc., their employers are not aware of such orders. The Board requested that when the Department newsletter "Open Session" is sent out, to include some form of the Regulatory Digest with this publication. This request will be forwarded for consideration by the Department.

MEMORIALIZE POSITION REGARDING CNAT

The Board discussed this topic and took the following action.

MOTION: Linda Sanner moved and seconded by June Bahr, that the position of the Board of Nursing regarding CNAT is as follows: Assuming that the Board's ratification of its directive to disallow CNAT beginning in 2001 is valid, all CNAT-only applicants who have taken CNAT after 11/01/2001 must take NCLEX to be eligible for Wisconsin licensure and that CNAT-only applicants for endorsement who have taken CNAT prior to 1/01/2001 must be considered on a case-by-case basis by the Board. Motion carried unanimously.

NURSE LICENSURE COMPACT ADMINISTRATORS (NLCA) POLICY DOES THE BOARD WISH TO ADHERE TO THESE POLICIES

The Board reviewed the NLCA policy at today's meeting and took the following action.

MOTION: Linda Sanner moved and seconded by Marilyn Kaufmann, to affirm that the Wisconsin Board of Nursing will adhere to the Policies and Procedures of the Nurse Licensing Compact Administrators (NLCA) for issues related to the Mutual Recognition of Nurses. Motion carried unanimously.

INFORMATIONAL ITEMS

Noted.

REPORT WI NURSING REDESIGN CONSORTIUM

There is nothing to report at this time.

REPORT OF EDUCATION AND LICENSURE COMMITTEE

Marilyn Kaufmann reported the following issues and recommendations to the Board:

NCLEX PASS RATE MONITORING: QUARTER 1 OF 2004

MOTION: Jacqueline Johnsrud moved, seconded by June Bahr to send Alverno College a letter notifying them that they are approaching the threshold of being significantly below the national pass rate on NCLEX. Motion carried unanimously.

Board's Action

MOTION: Linda Sanner moved, seconded by June Bahr, to accept the recommendation of the Education and Licensure Committee regarding the sending a letter of concern to Alverno College. Motion carried unanimously.

UW-MILWAUKEE PLAN TO ADDRESS NCLEX PASS RATES

MOTION: Jacqueline Johnsrud moved, seconded by June Bahr to approve the UW- Milwaukee Plan to address their NCLEX pass rate and in addition to submit a report to the Board in one year. Motion carried unanimously.

Board's Action

MOTION: Linda Sanner moved, seconded by June Bahr, to accept the recommendation of the Education and Licensure Committee regarding UW-Milwaukee Plan to address their NCLEX pass rate and submission of a report to the Board in one year. Motion carried unanimously.

WESTERN WISCONSIN TECHNICAL COLLEGE NCLEX PASS RATE SELF-EVALUATION REPORT

MOTION: June Bahr moved, seconded by Jacqueline Johnsrud to send a letter to Western Wisconsin Technical College and commend them on their progress. Motion carried unanimously.

Board's Action

MOTION: Linda Sanner moved, seconded by Kathleen Sullivan, to accept all recommendations of the Education and Licensure Committee regarding Western Wisconsin Technical College NCLEX self-evaluation and to send a letter to commend them on a good job. Motion carried unanimously.

**MILWAUKEE AREA TECHNICAL COLLEGE ALTERNATE SITE
DELIVERY PLAN APPROVAL**

MOTION: Jacqueline Johnsrud moved, seconded by June Bahr, to approve the plan of Milwaukee Area Technical College to expand into Mequon with the submission of a report to the Board after graduation of the first class. Motion carried unanimously.

Board's Action

MOTION: Kathleen Sullivan moved, seconded by Linda Sanner, to accept all recommendations of the Education and Licensure Committee regarding the Tech College site in Mequon and submission of a report to the Board after graduation of the first class. Motion carried unanimously.

PROCEDURE FOR PROBATIONARY STATUS FOR SCHOOLS OF NURSING

The Committee discussed the procedure regarding probationary status for schools of nursing. After much discussion, the Committee made the following recommendation.

MOTION: June Bahr moved, seconded by Jacqueline Johnsrud to adopt steps 1 through 5 on page 50 for schools on probation. These five steps read as follows: 1) Request a plan for addressing the deficiency shortly following the first finding of too low rolling average; 2) Request a self-evaluation report after one year; 3) If quarterly improvements can already be seen after one year, but the program's overall average is still significantly below the national, give one additional year before the next report; 4) If quarterly improvements are not seen after the first year, request self-evaluations every six months for the next year; and 5) If no improvement after two years, place on probation. If an improvement starts to be shown, give more time. Motion carried unanimously.

Board's Action

MOTION: June Bahr moved, seconded by Marie Kohlbeck, to accept all recommendations of the Education and Licensure Committee regarding procedure of probation status and the points 1-5, as identified on page 50 which reads: 1) Request a plan for addressing the deficiency shortly following the first finding of too low rolling average; 2) Request a self-evaluation

report after one year; 3) If quarterly improvements can already be seen after one year, but the program's overall average is still significantly below the national, give one additional year before the next report; 4) If quarterly improvements are not seen after the first year, request self-evaluations every six months for the next year; and 5) If no improvement after two years, place on probation. If improvements starts to be shown, give more time. Motion carried unanimously.

OTHER COMMITTEE BUSINESS

LETTER FROM LASEE REGARDING FOREIGN DEGREES AND REQUIRED TO TAKE CGFNS PREDICTOR

The Board reviewed the correspondence at today's meeting. The Board discussed and requested to respond to Senator Lasee that Wisconsin does not require the predictor score, but does require the CGFNS certificate which needs a predictor score. The Board will contact CGFNS for their rationale on why they require the predictor score.

MOTION: Linda Sanner moved and seconded by Marie Kohlbeck, to accept the Education and Licensure Committee report. Motion carried unanimously.

REPORT OF PRACTICE COMMITTEE

Linda Sanner reported that the Committee reviewed the rough draft of the position paper titled "Delegation of Nursing Acts" and that incorporated in the delegation position paper is the topic regarding the position of medication aides doing med pass with only LPN and RN being in building or on call. It was reviewed and discussed with recommendations for revisions and definitions to include for further clarification. Linda Sanner will revise and bring back to committee for review at the next meeting. Also Gina Dennik-Champion, WNA volunteered to send to Kimberly Nania a copy of a matrix, which in the past had been used as a reference tool, and Dr. Nania will include it in the next agenda packet for the Practice Committee. **The Committee will discuss** and review at the next meeting the following position papers: 1) Draft of Position of the Board of Nursing on Telephone Triage - Kathleen Sullivan, 2) Final Review of Delegation of Nursing Acts – Linda Sanner and 3) Position Statement Regarding Nurses Practicing at a Level Below that of their Licensure - Blaine Ropson who will confer with Colleen Baird, Legal Counsel.

There was a brief discussion regarding the level of supervision for APNP students when examining and prescribing medication and no action was taken. The Committee discussed with Colleen Baird, Legal Counsel, information she had regarding RN's working as a dermatology nurse performing as aestheticians and the use of Botox. Attorney Baird will search the former Board attorney's files for documents of related materials regarding this topic and any responses previously made and whether he considered this a delegated act. It was recommended that the Board should be aware that there are other issues that are surfacing regarding various cosmetic procedures and may start to see an increase in these types of inquiries.

MOTION: June Bahr moved and seconded by Kathleen Sullivan, to accept the practice committee report. Motion carried unanimously.

HANDLING REVIEW OF PRACTICE QUESTIONS

Colleen Baird, Legal Counsel, does not have the expertise to answer practice questions and the BON Question and Answer books need to be reviewed and updated. There will be some frequently asked questions put on the DRL Website and there will be links to other websites to get more information where needed.

Marilyn Kaufmann took binder number seven (7) to review the contents and the questions and answers contained in each section. This binder contains the following sections: Prescriptions, Psych, Private Duty, Pronouncement of Death, Refusing Assignments, Sutures, Refresher Courses, Renewal of Licensure, Respiratory Care, Restraints, and Schools. Marilyn will update the Board on the progress of this assignment.

CONSULT WITH LEGAL COUNSEL

The Board consulted with Colleen Baird, Legal Counsel, throughout the meeting as necessary.

VISITOR COMMENTS

Noted.

CLOSED SESSION

MOTION: Linda Sanner moved, seconded by June Bahr, to adjourn to closed session pursuant to Wisconsin State Statutes 19.85 (1)(a)(b)(f) and (g) for the purpose of application reviews, request for stays of suspensions, request for full licensure, request for reinstatement for stay of suspension, IPP reviews, approval of refresher courses, request for extension of time to pay costs, deliberation of proposed stipulations, deliberation of proposed administrative warning, deliberation of order fixing costs, deliberation of proposed decision in the matter of disciplinary proceedings, meeting with the Division of Enforcement and consulting with Legal Counsel. Motion carried by roll call vote: June Bahr-yes, Jacqueline Johnsrud-yes; Linda Sanner-yes, Marilyn Kaufmann-yes; Marie Kohlbeck-yes; and Kathleen Sullivan-yes. Motion carried unanimously.

Open session adjourned at 12:04 p.m.

RECONVENE TO OPEN SESSION

MOTION: Linda Sanner moved, seconded by Marie Kohlbeck to reconvene to open session at 4:14 p.m. Motion carried unanimously.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON
IN CLOSED SESSION**

MOTION: Linda Sanner moved, seconded by June Bahr to affirm all decisions made in closed session. Motion carried unanimously.

IMPAIRED PROFESSIONALS PROGRAM (IPP)

IPP CASE # 458

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to release case # 458 from the IPP program. Motion carried unanimously.

**APPLICATION REVIEW FOR DEBRA GRAY REGARDING
CANADIAN CNAT EXAMINATION**

MOTION: Linda Sanner moved, seconded by June Bahr, to grant a single state license to Debra Gray. Reason for Decision: In order to comply with the NLCA policy and procedures. Motion carried unanimously.

MONITORING

APPEARANCES BEFORE THE BOARD

BRENDA KLABACKA

MOTION: June Bahr moved, seconded by Linda Sanner, to grant full licensure to Brenda Klabacka. Motion carried unanimously.

TODD COUGHLIN

MOTION: Marilyn Kaufmann moved, seconded by June Bahr, to deny a three-month stay regarding Todd Coughlin. Mr. Coughlin must be in full compliance for six months with the original order and all urine screens are to be done by First Lab, before he can petition the Board for reinstatement of this limited license. Reason for Denial: Mr. Coughlin has failed to report his work status to the Board, he has had non-random and non-observed urine screens, suspicion of diluted urines, and he did not report all medications he was taking to the Board. Motion carried unanimously.

PAUL LAUER

MOTION: Linda Sanner moved, seconded by Marie Kohlbeck, to deny a three-month stay regarding Paul Lauer and to suspend his license for a minimum of six months and must show full compliance of the original Board order, with a letter from his therapist that he is safe to practice before he can petition the Board. Reason for Denial: Mr. Lauer's recent diversion and dilution of urines. Motion carried unanimously.

CAROL MAJEROWSKI

MOTION: Linda Sanner moved, seconded by June Bahr, to deny a three-month stay regarding Carol Majerowski. Reason for Denial: Ms. Majerowski has not submitted the completion of the standard therapy report including an evaluation of her current mental health status and her fitness to practice. Motion carried unanimously.

RICHARD MUNSTER

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to grant a three-month stay regarding Richard Munster. Motion carried unanimously.

COLETTE TROTTA

MOTION: Marilyn Kaufmann moved, seconded by Kathleen Sullivan, to not approve the course submitted by Colette Trotta. Reason for Denial: Ms. Trotta did not receive prior approval by the Board before taking the course. Motion carried unanimously.

REQUESTING REINSTATEMENT OF LICENSURE

PAULA BIEDLEMAN

MOTION: Linda Sanner moved, seconded by June Bahr , to grant full licensure to Paula Biedleman. Motion carried unanimously.

RUSTIN DIXON

MOTION: Linda Sanner moved, seconded by June Bahr, to grant full licensure to Rustin Dixon. Motion carried unanimously.

LOIS BOYD

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to postpone this request to the next Board meeting. Motion carried unanimously.

HOLLY DAVIS

MOTION: Linda Sanner moved, seconded by Kathleen Sullivan, to deny the request for reinstatement of a limited license regarding Holly Davis.
Reason for Denial: Ms. Davis has been non-compliant with her urine screens. Motion carried unanimously.

KIMBERLY JACOBSON

MOTION: Linda Sanner moved, seconded by Kathleen Sullivan, to grant a three-month stay regarding Kimberly Jacobson. Motion carried unanimously.

ROBIN KISNER

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to grant a three-month stay regarding Robin Kisner. Motion carried unanimously.

SANDRA MCNAMARA

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to grant a three-month stay regarding Sandra McNamara. Motion carried unanimously.

SANDRA STOCK

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to grant a three-month stay regarding Sandra Stock. Motion carried unanimously.

REBECCA THOMAS

MOTION: Marilyn Kaufmann moved, seconded by Linda Sanner, to grant the reinstatement of a limited license to Rebecca Thomas. Motion carried unanimously.

PAMELA WOLF

MOTION: Marilyn Kaufmann moved, seconded by Linda Sanner, to grant reinstatement of a limited license to Pamela Wolf. Motion carried unanimously.

REQUESTING THREE MONTH STAY AND MODIFICATIONS

HOWARD BESSETTE

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to grant a three-month stay to Howard Bessette with the modification to decrease his therapy by one session with Mary Berg and decrease one session with Dr. Engle and Mr. Bessette needs to be employed as a nurse. Motion carried unanimously.

LEE DZIATKIEWICZ

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, deny a three-month stay to Lee Dziatkiewicz with no change in modifications. Reason for Denial: Mr. Dziatkiewicz has been non-compliant with his urine screens. Motion carried unanimously.

DENISE GAUDET

MOTION: June Bahr moved, seconded by Linda Sanner, to grant a three-month stay to Denise Gaudet with the modification to decrease urine screens to six times per quarter. Motion carried unanimously.

LANA SILVERS

MOTION: Marilyn Kaufmann moved, seconded by Linda Sanner, to grant a three-month to Lana Silvers with the modification to terminate her therapy and reduce her urine screens to fourteen. Motion carried unanimously.

MARY TRAHAN

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to grant a three-month stay to Mary Trahan with no change in modifications. Reason for Denial: Ms. Trahan has not been on the board order long enough for a change in modifications. Motion carried unanimously.

**REQUESTING THREE MONTH STAY AND POSSIBLE VIOLATION
OF THE BOARD ORDER**

JENNIFER HASE

MOTION: Marilyn Kaufmann moved, seconded by Linda Sanner, to deny a three-month stay to Jennifer Hase and refer to DOE for possible revocation. Reason for Denial: Ms. Hase has had positive urine screens. Motion carried unanimously.

ROBERT PETERS

MOTION: June Bahr moved, seconded by Marilyn Kaufmann, to postpone this request to the next Board meeting. Motion carried unanimously.

REQUESTING THREE MONTH STAY AND REVIEW OF SUPERVISOR

GRETCHEN MACHT

MOTION: Linda Sanner moved, seconded by June Bahr, to grant a three-month stay to Gretchen Macht. Motion carried unanimously.

POSSIBLE VIOLATION OF THE BOARD ORDER

LINETTE LOBERG

****** *Special Notation* ******

This item was removed from the Board meeting agenda.

ROBERT MACKINS

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to refer to DHFS for caregiver violation and the Board to revisit this next month. Motion carried unanimously.

STIPULATIONS

SUSAN WARDELL, RN

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Susan Wardell, RN. Motion carried unanimously.

DAWN E. DANIELSON, RN

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Dawn E. Danielson, RN. Motion carried unanimously.

DEBORAH L. CRAVILION, RN

MOTION: Marilyn Kaufmann moved, seconded by Marie Kohlbeck, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Deborah L. Cravilion, RN. Motion carried unanimously.

DIANE M. OLES, LPN

MOTION: Linda Sanner moved, seconded by June Bahr, to adopt the Findings of Fact, Conclusions of Law, Order and Stipulation in the matter of Diane M. Oles, LPN. Motion carried unanimously.

PROPOSED FINAL DECISION AND ORDER

CYNTHIA A. THAYER, LPN

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to accept the proposed final decision and order in the matter of Cynthia A. Thayer, LPN. Motion carried unanimously.

ANNE M. INGEMAN, LPN

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to accept the proposed final decision and order in the matter of Anne M. Ingeman, LPN. Motion carried unanimously.

**REVIEW OF RESPONDENT'S OBJECTIONS TO THE AFFIDAVITS OF COSTS
IN BOARD OF NURSING VERSESHIGGINS, MORMANN, AND SCHUMACHER
(LS 0305131 NUR, LS 0305133 NUR, LS 0305132 NUR)**

MOTION: Linda Sanner moved, seconded by Marilyn Kaufmann, to request that Colleen Baird, Legal Counsel, do a variance regarding this case. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

03 NUR 213

MOTION: June Bahr moved, seconded by Linda Sanner, to issue an administrative warning to 03 NUR 213. Motion carried unanimously.

99 NUR 118

MOTION: June Bahr moved, seconded by Linda Sanner, to issue an administrative warning to 99 NUR 118. Motion carried unanimously.

ADDITIONAL MATERIALS IN SUPPORT OF REQUEST FOR LICENSURE

THOMAS WILEY

MOTION: Marilyn Kaufmann moved, seconded by Linda Sanner, to deny the request for licensure regarding Thomas Wiley based on this therapists report. Motion carried unanimously.

DIVISION OF ENFORCEMENT & CASE STATUS REPORT

***** *Special Notation* *****

Due to time issues there were no case closings at the June 10, 2004 BON meeting.

OTHER BOARD BUSINESS

Noted.

ADJOURNMENT

MOTION: Marie Kohlbeck moved and seconded by Linda Sanner, to adjourn the meeting at 4:20 a.m. Motion carried unanimously.